



June 2, 2011

Testimony by Representative Barbara L. Toles
To the Assembly Committee on Election and Campaign Reform
In support of Assembly Bill 32 -- Emergency Exception to "50-piece Rule"

Good morning Co-Chairs Lazich and Tauchen and members of the Assembly Committee on Election and Campaign Reform.

I'm pleased to testify before you today in support of my proposal, Assembly Bill 32, which provides an emergency exception to the "50-piece" rule for legislative communications.

Last summer, Milwaukee and Grant counties were hit by devastating severe storms and flooding, continuing a pattern of natural disasters that have affected our state over the past several years. Many people throughout the City of Milwaukee experienced significant damage to the structure of their homes, and lost their furnaces, washers, dryers, furniture, and all other personal belongings that were stored in their basements. For some, the flooding included the first floor of their homes, in addition to their basements. The District I represent overlaps with the two hardest hit aldermanic districts in the city, Districts 2 and 7. For too many of those who were flooded, this was a repeat of what has occurred during heavy spring and summer rainfalls in recent years. People have found themselves financially strapped due to having to replace what they lost. Also, as several people stated during meetings held for flood victims, not only has the flooding created financial hardship for them, but it has also caused them to experience a great deal of stress and anxiety whenever there is a heavy rainfall.

In 2008, Governor Jim Doyle declared a State of Emergency in 29 counties (including Adams, Calumet, Columbia, Crawford, Dane, Dodge, Fond du Lac, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Lafayette, La Crosse, Marquette, Milwaukee, Monroe, Ozaukee, Racine, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Washington, Waukesha, and Winnebago) due to storm-related flooding. Recently, we have witnessed the devastation caused by flooding in other areas of the country. The current flood relief efforts throughout the Mississippi Delta can serve as a teaching tool that public awareness and preparedness is critical to preventing and responding to catastrophes when natural disasters occur.

While some of you may not have issues with flooding in your district, nearly every part of Wisconsin is threatened by tornadoes. Many of us remember the destruction caused by the Barneveld tornado in June of 1984 that killed 9, injured 200, and leveled more

than 90 homes. And just last week, on May 22nd, a tornado struck Joplin, Missouri, killing 139 people. It also destroyed 1/3 of all homes in the town, leaving 5,000 people homeless overnight. The weather system that spawned the Joplin tornado caused a tornado to touch down in La Crosse the same evening, damaging 200 buildings, fortunately, with no fatalities. La Crosse was lucky by comparison, but had the tornado hit there instead of in Missouri, and if it was an during an election year, La Crosse's legislators would have been prevented from hitting "forward" on a Wisconsin Department of Emergency Management or FEMA email bulletin, and sending it to more than 49 of their constituents.

In light of what seems to have become all-too-common occurrences, it is apparent that there needs to be an emergency exception to the current "50-piece" restriction on legislative communications during the campaign period when there is a State of Emergency.

Without this exception, legislators are prevented from mailing or emailing more than 49 of their constituents during an emergency situation, at a time when the rapid dissemination of information regarding access to aid, and other vital services is of the utmost importance to those impacted by the state of emergency.

Under this bill, the "50-piece" rule would be lifted for 45 days for all legislators who represent constituents in counties covered by the Governor's declaration of a State of Emergency. The exception would only cover communications that relate solely to the subject of the emergency, so there would be no incentive for incumbents to abuse it for electoral advantage. Also, this bill will increase the ability of the State of Wisconsin to disseminate emergency response and disaster relief information to its citizens with no fiscal effect.

I hope that you will all agree that AB 32 provides a common-sense fix to the unintended consequences of the "50-piece" rule in emergency situations, and that it does so without undermining the valid policy concern for fairness in our political campaigns that the rule was initially designed to address.



WISCONSIN STATE SENATE DALE W. SCHULTZ

Thank you Chairpersons Lazich and Tauchen and Committee Members for the opportunity to testify on behalf of SB 118.

I first want to express how proud I am of the bipartisan nature of this bill. It is authored by members of both parties, and it addresses an issue relatable to every citizen of Wisconsin. As I have frequently made known there is an invaluable premium on legislative teamwork, and I believe our collective efforts on this bill suggest this sentiment underscores the beliefs of the Wisconsin Legislature. We have shown the Legislature is capable of working collectively to address issues that are important to the citizens of Wisconsin at large, despite their political affiliations.

Substantively, this bill allows the Legislature to effectively work on behalf of Wisconsin citizens during times of emergency by suspending state regulations as they pertain to material distribution when political tensions are at their highest; during elections. The fact that both parties agree immediate and efficient outreach to distressed citizens regardless of the political climate shows successful and effective government. It is with great pride that I am a part of this effort.

From a more tangible perspective, I believe enacting this policy is common sense. As state legislators, our job is to use resources available to us to perform necessary services to those we represent. Many times, the most valuable resource in any situation is information, and this bill makes information a commodity that is not restricted by political competition.

Perhaps my testimony comes from an experience not every legislator has faced, but I recall the summer of 2008 in a tragic way. Located in the heart of a flooded district and not 50 miles from the catastrophe at Lake Delton, I understand all too well the dangers posed by the current restrictions on material distribution during a state of emergency. Events like this are not rare occurrences where I am from.

During my time in the Legislature, Southwestern Wisconsin has seen many serious floods. The Mississippi River, the Kickapoo River, the Baraboo River, the Pine River, the Peckatonica River, and other like bodies of water pose serious threats of overflow in the spring and summer months, and when floods matriculate from these waters they impact small communities in a destructive way. At times like these it is critical that Legislators disregard the political climate and work together for the good of those they were elected to represent. More often than not, this will entail the distribution of hardcopy information to thousands of people regarding alternative means of transportation, access to first aid and clean water, insurance claims, and available means of agriculture and crop relief. As this is the case, a suspension of the 50 piece rule during times of emergency makes practical sense in light of the needs of the citizens of Wisconsin.

Again I would like to thank the committee for holding a hearing on this bill, and I would urge its support both in committee and on the floor of the legislature.